



MAIL STOP APPEAL BRIEF-PATENTS  
0501-1058

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Michel SAFARS et al.

Appeal No. \_\_\_\_\_

Serial No. 09/132,327

GROUP 2178

Filed August 11, 1998

Examiner Cesar B. Paula

METHOD FOR ORGANIZING AND CONSULTING  
ELECTRONIC DATA IN THE ENVIRONMENT OF  
A MEDIA LIBRARY

APPEAL BRIEF

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MAY IT PLEASE YOUR HONORS:

1. Real Party in Interest

The real party in interest in this appeal is the current assignee, Keeboo Corporation of Redwood City, California.

2. Related Appeals and Interferences

None.

3. Status of Claims

Claims 62-78 remain in the application and are the subject of the present appeal.

4. Status of Amendments

No amendments were filed following the Final rejection of March 13, 2003. Therefore, the claims on appeal are as set forth in the Appendix.

5. Summary of Invention

The invention is a method of organizing electronic documents in an electronic book using page applets (denoted "pagelets") to organize the electronic documents. The specification begins with a discussion of electronic documents and electronic books and includes the description of the pagelets on pages 41-47, which pages are particularly relevant to the present appeal. As explained at page 41, lines 11-27, a pagelet is a page that is added to an electronic book and whose operation accesses and alters the structure of the electronic book.

The inventive method includes the steps of organizing a multiplicity of electronic documents originating from a plurality of sources and supplied in various forms using a book metaphor so that the documents are arranged as pages in chapters in an electronic book (shown, for example in Figure 4 and discussed beginning at page 6, line 12); adding to the electronic book further pages that have a common architecture

and that are each usable in other electronic books (the further pages are the pagelets discussed at pages 41-47); and performing the specific functions of the selected pagelets in the electronic book.

The pagelets are computer programs that perform different specific functions related to the electronic documents in the electronic books in which the pagelets are operated (see, for example, the five pagelets discussed at pages 43-44.) The specific functions access and alter the structure (or arrangement) of the electronic book. The pagelets are reusable software components that use standard interfaces independent of the computer languages being used (page 41, lines 21-26).

By way of further explanation, the pagelets are computer programs that appear as separate pages in an electronic book and that alter the structure of the book when operated. The pagelets may sit idle in a book until used and may be downloaded and added to a catalog of pagelets (with an appropriate description) or to the electronic book for use when needed (page 42, beginning at line 17).

6. Issues

Whether the subject matter of claim 75, specifically the phrase "being distinct from functions accessing contents referenced by the pages of the electronic book," is described in the specification in such way as to enable one skilled in the art to make and/or use the invention as set forth in 35 U.S.C. §112, first paragraph.

Whether the subject matter of claim 75 would have been obvious under 35 U.S.C. §103 to one of skill in the art at the time of the present invention over ROBERTSON et al. 6,486,895.

Whether the subject matter of claims 76-78 would have been obvious under 35 U.S.C. §103 to one of skill in the art at the time of the present invention over ROBERTSON et al. in view of KESSENICH et al. 6,034,680.

Whether the subject matter of claims 62-74 would have been obvious under 35 U.S.C. §103 to one of skill in the art at the time of the present invention over ROBERTSON et al. in view of WEINBERG et al. 6,237,006 and FEIN et al. 5,924,108.

7. Grouping of Claims

The claims do not stand or fall together. Claims 62-75 stand or fall together. Claim 76 stands or falls alone. Claim 77 stands or falls alone. Claim 78 stands or falls alone.

8. Arguments

Rejection under §112, first paragraph. Claim 75 includes the step of adding to the electronic book pagelets that are computer programs with a common architecture and that perform different specific functions accessing and altering the structure of the electronic book. The claim also provides that the specific functions are "distinct from functions accessing contents referenced by the pages of the electronic book." The Examiner indicates that the quoted phrase is not described in the specification in such way as to enable one skilled in the art to make and/or use the invention as set forth in 35 U.S.C. §112, first paragraph.

The subject matter embodied by this phrase is discussed, for example, at page 46, lines 4-16, where the distinction is made between access to the structure of the book and access to the contents referenced by the pages of the book; at page 40, line 36 through page 41, line 4, where there is noted the

lack of interaction between externally referenced interactive contents and the structure of the book; at page 42, lines 12-16 that note that a pagelet may be certified to allow, or not allow, access in the read or write mode to the book, and at pages 43-44 that discuss various pagelets in detail that access the structure of the book without accessing the contents thereof. These portions, when read in conjunction with the specification as a whole, are sufficient to allow one of skill in the art to make and/or use the invention claimed in claim 75.

Rejections of Claims 62-75. The rejection of claim 75 is based only on ROBERTSON et al., but the body of the rejection also refers to KESSENICH et al. and applicant is unable to determine whether this reference was inadvertent or part of the rejection. In the interest of advancing the application, KESSENICH et al. was considered when traversing the rejection of claim 75.

Claims 62-74 are allowable for the reasons given for the allowability of claim 75 from which they depend.

Claim 75 includes, among other features, the step of adding to the electronic book further pages (pagelets) that have a common architecture, that are usable in other

electronic books, and that are computer programs that perform specific functions accessing and altering the structure of the electronic book. Neither ROBERTSON et al. nor KESSENICH et al. disclose or suggest this step and thus this step would not be obvious to one of skill in the art.

The Examiner relies on ROBERTSON et al. for this step, indicating that the step is disclosed at column 2, lines 14-67 and column 6, lines 10-67. The Examiner argues that ROBERTSON et al. disclose the addition of web pages to an electronic book, and that these web pages are converted into software objects that have a common architecture and perform the functions of specifying layout and indicating ruffling of the pages.

However, the combination of references discloses only the first step of claim 75, namely organizing a multiplicity of electronic documents using a book metaphor. They do not disclose or suggest the further step of adding the claimed further pages to the electronic book formed in the first step that alter the structure of this book. Apparently, the Examiner regards the addition of web pages to the book (column 6, lines 13-15) as performing this step. But this is not believed to be correct. The web pages that may be added are not themselves computer programs that perform the

specific functions of accessing and altering the structure of the book. The added web pages merely add content to the book. The addition of web pages may change the length of the book by the action of being added, but this is not the same as the pages themselves being computer programs that access and alter the structure of the book.

ROBERTSON et al. disclose a system for displaying lists of linked documents. A list of pages is displayed in a book metaphor called a "WebBook." As noted at column 7, lines 37-39, the "WebBook is merely a control structure for manipulating and controlling the page objects."

Further, while the Examiner has indicated that the added web pages perform the functions of specifying layout and indicating ruffling, the applicant did not find support for this in the references. The references do not disclose or suggest, for example, downloading a web page that performs layout and ruffling functions and adding this web page to the electronic book as a further page. Such functions may be performed by the resident program, but they are not added to the electronic book in further pages meeting the claimed limitations. Indeed, it is not certain what the Examiner means by "layout" or how "layout" may affect book structure (note that control buttons for operating the resident program



- not the claimed pagelets - are apparently provided for this purpose, column 6, lines 30-48), and it is believed that ruffling is merely page turning that does not alter book structure (column 9, lines 33-44).

Rejection of Claim 76. The rejection is based only on ROBERTSON et al. and KESSENICH et al., but the body of the rejection also refers to GISH (not otherwise identified) and applicant is unable to determine whether this reference was inadvertent or part of the rejection. Since GISH was not identified, GISH was not considered when traversing the rejection.

Claim 76 includes, among other features, the step of adding to the electronic book further pages (pagelets) that have a common architecture, that are usable in other electronic books, that are computer programs for altering the arrangement of the electronic book, and that have a standardized interface that is independent of the computer languages used in the computer programs. Neither ROBERTSON et al. nor KESSENICH et al. disclose or suggest this step and thus this step would not be obvious to one of skill in the art.

The Examiner relies on ROBERTSON et al. for this step, indicating that the step is disclosed at column 2, lines 14-67 and column 6, lines 10-67. The Examiner argues that ROBERTSON et al. disclose the addition of web pages to an electronic book, and that these web pages are converted into software objects that have a common architecture and perform the functions of specifying layout and to indicate ruffling of the pages.

However, the combination of references discloses only the first step of claim 76, namely arranging a plurality of electronic documents in an electronic book. They do not disclose or suggest the further step of adding the claimed further pages to the electronic book formed in the first step that are computer programs with a standardized interface for altering the arrangement of this book. Apparently, the Examiner regards the addition of web pages to the book (column 6, lines 13-15) as performing this step. But this is not believed to be correct. The web pages that may be added are not themselves computer programs with standardized interfaces and that alter the arrangement of the book. The added web pages merely add content to the book. The addition of web pages may change the length of the book by the action of being added, but this is not the same as the pages

themselves being computer programs that alter the arrangement of the book.

ROBERTSON et al. disclose a system for displaying lists of linked documents. A list of pages is displayed in a book metaphor called a "WebBook." As noted at column 7, lines 37-39, the "WebBook is merely a control structure for manipulating and controlling the page objects."

Further, while the Examiner has indicated that the added web pages perform the functions of specifying layout and indicating ruffling, the applicant did not find support for this in the references. The references do not disclose or suggest, for example, downloading a web page that performs layout and ruffling functions and adding this web page to the electronic book as a further page. Such functions may be performed by the resident program, but they are not added to the electronic book in further pages meeting the claimed limitations. Indeed, it is not certain what the Examiner means by "layout" or how "layout" may affect book structure (note that control buttons for operating the resident program - not the claimed pagelets - are apparently provided for this purpose, column 6, lines 30-48), and it is believed that ruffling is merely page turning that does not alter book structure (column 9, lines 33-44).

The use of standardized interfaces may be known, but the mere knowledge of their existence is not motivation to use them in the method claimed in claim 76. ROBERTSON et al. merely downloads web pages that can be placed in book form. Since the web pages themselves do not have a computer program for altering the structure of the book, there is no reason to provide the pages with a standardized interface. The system receiving the web pages manipulates the received web pages.

Rejection of Claim 77. This claim is allowable for the reasons given above for claim 76, and for the further reason below.

Claim 77 includes the additional steps of selecting pagelets and the adding the selected pagelets as a page to a catalog for the pagelets, where the added page includes a description of the pagelet that is readable by a user of the electronic book.

The Examiner acknowledges that the references do not disclose the step of adding the selected pagelet as a page to a catalog for the pagelets, but opines that this step would be obvious because ROBERTSON et al. disclose transferring the entire electronic book. The Examiner apparently regards the

electronic book to be the catalog. However, this is not correct.

The claim language avoids the Examiner's interpretation. The claim includes the steps of adding the selected pagelet to the catalog and copying the selected pagelet to the electronic book. For the claim to make sense, the catalog and the electronic book must be different things. There is nothing in the combination that suggests a separate catalog for the pagelets.

Rejection of Claim 78. This claim is allowable for the reasons given above for claim 76, and for the further reason below.

Claim 78 includes an adding step for adding to the electronic book one or more pagelet means. Applicant invoked §112, sixth paragraph, when presenting this claim. The Examiner did not provide an explanation and rationale as to why the prior art elements are equivalent (MPEP §2183), and thus did not make a *prima facie* case of equivalence.

Further, it is believed that the prior art does not disclose equivalent features. The web pages added in ROBERTSON et al. are not equivalent to the pagelet means for

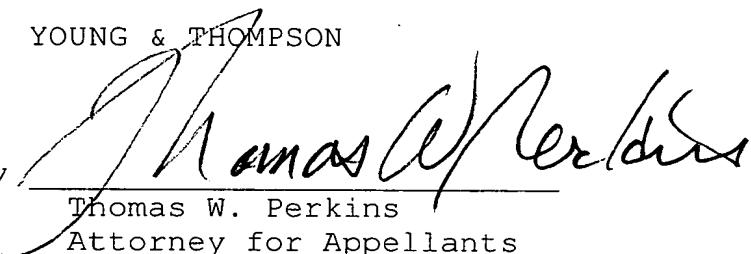
altering the arrangement of the electronic book disclosed at pages 41-47 of the present application.

In view of this, it is believed that the rejections of record cannot be sustained and that the same must be reversed and such is respectfully requested.

Respectfully submitted,

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9. Appendix

The claims on appeal:

62. The method of claim 75, wherein the specific functions of the pagelets are selected from among the functions consisting of indexing the pages, reorganizing the pages, searching the library, searching the internet and adding search results as new pages, preparing summaries of one or more of the pages, gathering data, performing statistical analyses, inserting new pages, providing user navigation information, and automatically updating the electronic book in response to automatic updates to the electronic documents.

63. The method of claim 62, wherein the pagelets index the pages.

64. The method of claim 62, wherein the pagelets reorganize the pages.

65. The method of claim 62, wherein the pagelets search the library.

66. The method of claim 62, wherein the pagelets search the internet and add search results as new pages.

67. The method of claim 62, wherein the pagelets prepare summaries of one or more of the pages.

68. The method of claim 62, wherein the pagelets gather data.

69. The method of claim 62, wherein the pagelets perform statistical analyses.

70. The method of claim 62, wherein the pagelets insert new pages.

71. The method of claim 62, wherein the pagelets provide user navigation information.

72. The method of claim 62, wherein the pagelets automatically update the electronic book in response to automatic updates to the electronic documents.



73. The method of claim 75, further comprising the steps of downloading new pagelets from the internet, adding the new pagelets to an electronic catalog, copying selected ones of the new pagelets from the electronic catalog to the electronic book, and performing the specific functions of the selected new pagelets in the electronic book.

74. The method of claim 73, further comprising the step of automatically updating the electronic documents and adding new electronic documents in response to a subscription in the electronic catalog.

75. A method for organizing and using electronic documents, the method comprising the steps of:

organizing a multiplicity of electronic documents originating from a plurality of sources and supplied in various forms using a book metaphor so that the documents are arranged as pages in chapters in an electronic book;

adding to the electronic book further pages that have a common architecture and that are each usable in other electronic books (the further pages are denoted pagelets), the pagelets being computer programs that perform different specific functions related to the electronic documents in the

electronic books in which the pagelets are operated, the specific functions accessing and altering the structure of the electronic book and being distinct from functions accessing contents referenced by the pages of the electronic book; and

performing the specific functions of the selected pagelets in the electronic book.

76. A method of organizing electronic documents in an electronic book, the method comprising the steps of:

arranging a plurality of electronic documents originating from a plurality of sources and supplied in various forms in an electronic book in an arrangement in which the electronic documents are pages in chapters in the electronic book;

adding to the electronic book one or more further pages, denoted pagelets, that are computer programs for altering the arrangement of the electronic book, the pagelets having a common architecture so as to be usable in other electronic books and a standardized interface that is independent of computer languages used in the computer programs; and

altering the arrangement of the electronic book by executing one of the pagelets.

77. The method of claim 76, wherein the adding step comprises the steps of selecting one of the pagelets from an external source of the pagelets, adding the selected pagelet as a page to a catalog for the pagelets, the page having a description of the selected pagelet readable by a user of the electronic book, and copying the selected pagelet to the electronic book.

78. A method of organizing electronic documents in an electronic book, the method comprising the steps of:

arranging a plurality of electronic documents originating from a plurality of sources and supplied in various forms in an electronic book in an arrangement in which the electronic documents are pages in chapters in the electronic book;

an adding step for adding to the electronic book one or more pagelet means for altering the arrangement of the electronic book, the pagelet means having a common architecture so as to be usable in other electronic books and a standardized interface that is independent of computer languages used in the computer programs; and

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altering the arrangement of the electronic book by  
executing one of the pagelet means.